

## **CITY COUNCIL MINUTES**

**August 27, 2012**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, August 27, 2012 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with Vice President Missy Mosby presiding. The following business was conducted.

**These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.**

### **ROLL CALL:**

**Present:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver

**Absent:** Robinson.

There being eight (8) members present and one (1) member absent and eight (8) members representing a quorum, I hereby declare this session of the Common Council officially open.

### **PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance is led by City Council Attorney John Hamilton

Fellow Councilmen and those in the audience, welcome to the August 27, 2012 meeting of the Common Council.

### **RECOGNITION OF SCHOOLS**

Are there any students in the audience that would like to be recognized?

### **COUNCIL ATTORNEY**

This evening John Hamilton is City Council Attorney.

### **SERGEANT AT ARMS**

This evening Officer Hastings is Sergeant at Arms.

### **READING AND AMENDMENT OF MINUTES**

Is there a motion to approve the minutes of the August 13, 2012 meeting of the Common Council as written?

Councilman Friend moved and Councilman Lindsey seconded the motion to approve the minutes of the regular meeting of the Common Council held August 13, 2012 as written. Voice vote. So ordered.

### **REPORTS AND COMMUNICATIONS**

#### **IN YOUR AUGUST 24<sup>th</sup> PACKET:**

\*City Council Agenda for the August 27th, 2012 City Council meeting.

\*Committee Meeting Schedule.

\*City Council Meeting Minutes from August 13, 2012.

\*Ordinances G-2012-17, F-2012-11, F-2012-13, and C-2012-18

\*Return Receipts and Vacation Studies for Ordinance G-2012-15

\*Water & Sewer Utility Easement Report for Ordinance G-2012-15

**ON YOUR DESK THIS EVENING:**

\*Evansville Redevelopment Commission Meeting Minutes dated August 7, 2012.

\*American City & County Magazine.

Councilman Lindsey moved and Councilman O'Daniel seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote.  
So ordered.

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-17**                      **PUBLIC WORKS**                      **McGINN**

An Ordinance amending Chapter 13.05 (Sewer) of the Evansville Municipal Code

**ORDINANCE F-2012-11**                      **FINANCE**                      **FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Annual Community Development Plan and appropriating Community Development Block Grant and Emergency Solutions Grant Program funds

**ORDINANCE F-2012-13**                      **FINANCE**                      **FRIEND**

An Ordinance the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds.

**ORDINANCE C-2012-18**                      **FINANCE**                      **FRIEND**

A Resolution of the Common Council of the City of Evansville Ratifying the Significant Amendment to the 2012 Consolidated Housing & Community Development Annual Action Plan

Councilman Friend moved and Councilman Weaver seconded the motion to adopt the Consent Agenda First Reading as written. Voice vote. So ordered.

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-15**                      **PUBLIC WORKS**                      **McGINN**

An Ordinance to Vacate certain platted right-of-way being part of a 12' public utility and drainage easement along the common line of Lots 21 & 22 in Eagle Crest Section 2 within the city of Evansville, Indiana Commonly known as 8003 & 8105 Walnut Street

**ORDINANCE G-2012-16**                      **PUBLIC WORKS**                      **McGINN**

An Ordinance amending Chapter 13.15 (Water) of the Evansville Municipal Code

**ORDINANCE F-2012-12**                      **FINANCE**                      **FRIEND**

An ordinance of the Common Council of the City of Evansville authorizing transfers, repeals, and re-appropriations, and additional appropriations of funds within a city department.

**RESOLUTION C-2012-17**                      **FINANCE**                      **FRIEND**

A Resolution of the Common Council approving an Interlocal Agreement with Vanderburgh County (Paving at Oak Hill Cemetery)

**COMMITTEE REPORTS:**

**PUBLIC WORKS COMMITTEE:**

**CHAIRMAN McGINN**

**Councilman McGinn:** Madam President, your Public Works Committee met earlier this evening to hear Ordinance G-2012-15 as amended and it comes forward with a unanimous do pass recommendation. Also, the Public Works committee heard G-2012-16 which was the ordinance to amend Chapter 13.15, certain fees of the Evansville Municipal Water Department and that was passed seven (7) in favor, one (1) against, do pass.

**FINANCE COMMITTEE:**

**CHAIRMAN FRIEND**

**Councilman Friend:** Madam President, your Finance Committee met this evening to hear Ordinance F-2012-12 and Resolution C-2012-17 and both come forward with a do pass recommendation.

**Vice President Mosby:** Do I have a motion to adopt the Committee Reports and move these Ordinances and this Resolution to Third Reading?

Councilman Weaver moved and Councilman Adams seconded the motion to adopt the Committee Reports and move these Ordinances and Resolutions to Third Reading. Voice vote. So ordered.

**REGULAR AGENDA**

**ORDINANCE G-2012-15 as amended PUBLIC WORKS**

**McGINN**

An Ordinance to Vacate certain platted right-of-way being part of a 12' public utility and drainage easement along the common line of Lots 21 & 22 in Eagle Crest Section 2 within the city of Evansville, Indiana Commonly known as 8003 & 8105 Walnut Street

**Vice President Mosby:** Is there a motion to adopt Ordinance G-2012-15, as amended, and call the roll?

Councilman O'Daniel moved and Councilman Friend seconded the motion to adopt Ordinance G-2012-15, as amended, and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver

**Absent:** Robinson

There being eight (8) Ayes and zero (0) Nays, Ordinance G-2012-15, as amended, is hereby declared adopted. Thank you.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-16**

**PUBLIC WORKS**

**McGINN**

An Ordinance amending Chapter 13.15 (Water) of the Evansville Municipal Code

**Vice President Mosby:** Is there a motion to adopt Ordinance G-2012-16

Councilman O'Daniel moved and Councilman Adams seconded the motion to adopt Ordinance G-2012-16 and call the roll.

**ROLL CALL**

**Ayes:** M<sup>c</sup>Ginn, Mosby, Brinkerhoff-Riley, Friend, Adams, O'Daniel, Weaver

**Nays:** Lindsey

**Absent:** Robinson

There being seven (7) Ayes and one (1) Nay, Ordinance G-2012-16 is hereby declared adopted.

**REGULAR AGENDA**

**ORDINANCE F-2012-12**

**FINANCE**

**FRIEND**

An ordinance of the Common Council of the City of Evansville authorizing transfers, repeals, and re-appropriations, and additional appropriations of funds within a city department.

**Vice President Mosby:** Is there a motion to adopt Ordinance F-2012-12 and call the roll?

Councilman Friend moved and Councilwoman Brinkerhoff-Riley seconded the motion to adopt Ordinance F-2012-12 and call the roll.

**ROLL CALL**

**Ayes:** M<sup>c</sup>Ginn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver

**Absent:** Robinson

There being eight (8) Ayes and zero (0) Nays, Ordinance F-2012-12 is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-17**

**FINANCE**

**FRIEND**

A Resolution of the Common Council approving an Interlocal Agreement with Vanderburgh County (Paving at Oak Hill Cemetery)

**Vice President Mosby:** Is there a motion to adopt Resolution C-2012-17 and call the roll?

Councilwoman Brinkerhoff-Riley moved and Councilman Friend seconded the motion to adopt Resolution C-2012-17 and call the roll.

**ROLL CALL**

**Ayes:** M<sup>c</sup>Ginn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver

**Absent:** Robinson

There being eight (8) Ayes and zero (0) Nays, Resolution C-2012-17 is hereby declared adopted.

**MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting next Monday, September 3rd, 2012. The next City Council meeting will be Monday, September 10th, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on September 10th.

**Vice President Mosby:** Do any Council members have anything under Miscellaneous Business?

**Councilman Friend:** Yes. Let me make a comment. On the tenth, I am trying to look at the schedule here; we will be hearing, I guess, the DMD budget. It is going to come after, I guess, I am not sure, after a couple of the other ones I believe. So be aware of all that everybody.

**Vice President Mosby:** Anyone else on Council?

Mr. Jack Frey would like to speak, 1001 S.E. Second Street. Mr. Frey?

**Jack Frey:** Hello, I am Jack Frey. I live at the end of Washington Avenue on Second Street and I am here tonight to inform you of a problem we have in the Arts District on noise. The Boca Lounge is having outdoor concerts quite frequently. It is too hot this summer so we kind of lucked out but now that it is cooling down...I am not in the District but I am right across the street. They might as well be in my front yard. I wanted to notify you that it is a problem and to ask to help us get it resolved. I know we cannot resolve it tonight but I have talked to a few of you about it. I have tried to notify everybody and I have only gotten responses from a couple of you so modern technology being what it is, I can only assume that the rest of you do not know anything about it.

On New Year's Eve, the Boca Lounge went until 3:30 in the morning. We called the police. They do not do anything about it. The lot they are using for their outside area was R-3, I think, that what it was zoned until you passed the Arts Overlay zone and made it commercial. That is why I am coming to you because you had a hand in creating the problem.

I have lived there for 35 years and this has not been a problem until the last nine months or so.

Any questions?

**Councilman Weaver:** Have you talked to the owners?

**Jack Frey:** Yes.

**Councilman Weaver:** And what have they said?

**Jack Frey:** They say we are here to revitalize the neighborhood, but you do not revitalize the neighborhood by chasing away the owners.

**Councilman Weaver:** Is it true that the neighborhood is probably better off?

**Jack Frey:** No, it is not, because I am thinking about selling my house.

**Councilman Weaver:** It is safer, it is well lit, and there are more people down there. It is better than the prostitutes, the crime, and the drugs.

**Jack Frey:** We did not have that problem before.

**Councilman Weaver:** Well that is the perception. Every time...

**Jack Frey:** Well that is the perception but...

**Councilman Weaver:** That is what we are trying to change.

**Jack Frey:**...but chasing away the people that have been there for years and have enjoyed the neighborhood is not a way to revitalize the neighborhood. You would not like...I don't care how good the music is, if it is not what you want to hear, it is noise. You would not like me to come to your front yard, set up a band, and play until 11:00 at night.

**Councilman Weaver:** But they have kind of remedied it by putting up privacy fences and...

**Jack Frey:** A wooded privacy fence does not block noise. My windows buzz. My whole house shakes.

**Councilman Weaver:** They wrap-up early though.

**Jack Frey:** 11:00 is not early when you have to get up early in the morning.

**Councilman Weaver:** What does the noise ordinance say?

**Jack Frey:** Well the Overlay Ordinance, if they were a block away, they could not make any noise they exceeded their property boundaries; the regular city ordinance says 75 decibels.

**Councilwoman Brinkerhoff-Riley:** Mr. Frey, I have spoken with you. I have also spoken with the owners of the Boca Lounge and I understand your concerns. I do think there needs to be a balance between the homeowners and the commercial development in the area. I think ultimately, there is a problem with the noise ordinance. It is impossible to enforce, it reads in decibels; the police and those that would enforce do not carry decibel meters with them...

**Jack Frey:** I actually found...

**Councilwoman Brinkerhoff-Riley:** It is worth looking at. I appreciate you coming in.

**Jack Frey:** All right. I found the newspaper article at one point that said the city had adopted, I never found it in an ordinance, but it said, because of that very reason, that any noise that could be heard 30 feet away was too loud. That was only a newspaper article that said they adopted...it never actually found where that was written anywhere.

**Councilman O'Daniel:** Sir, which neighborhood association do you belong to?

**Jack Frey:** Officially, it would be Wheeler Drive I guess. It is who it currently is. But I do not know if they are even active anymore.

**Councilman O'Daniel:** Okay. You know I...it always strikes me that organizing a group of people who have similar concerns as you, and take those concerns as a group to the owners, is the best policy as opposed to calling the police. Coming to us is certainly an option here but I kind of view this as a last resort.

**Jack Frey:** It is not just me. There are several of us. Nobody else could be here tonight.

**Councilman O'Daniel:** And I appreciate that but I would like to see you and the Wheeler Drive Association try to organize yourselves in a better...maybe it gives an opportunity to regrow the organization for a common cause here. Then work with that, Blackford's Grove and Goosetown in an effort to try to achieve the balance of the development, which we think is good thing in the Art's District, and then the surrounding neighbors.

**Jack Frey:** But Wheeler Drive, I am not even sure if they are active anymore. I never get any information from them.

**Councilman O'Daniel:** You, sir, can be president then.

**Jack Frey:** It is the existing, surrounding property owners, it is just very few...I have a friend that lives a block away and because the Stratford Apartments block sound, he does not hear it. In the other direction, I have people who live over a block away that do hear it. It is not really a neighborhood things as much as it is just a core group of us right around that is affected.

**Councilman O'Daniel:** I always think that if it affects your friends and your neighbors, then it becomes a neighborhood problem, whether it affects you directly or not.

**Jack Frey:** All right.

**Councilman O'Daniel:** I think that becomes a calling for the neighborhood association to organize better and then bring that to the owners of the Boca Lounge. I am not kicking the can here; don't get me wrong, but I do think there is strength in numbers of the people that live in and around the area is what is going to make that area better going forward.

**Jack Frey:** I can see that, but this has not made it better. I guess the next...I actually one time this summer drove over, parked in their parking lot and just laid on my horn. They came out and I said, "Well, you are disturbing me, I am disturbing you". Well they shut it down early. I can continue to do that, but that is not an answer.

**Councilman O'Daniel:** That does not solve the problem it just exacerbates the problem. You know you do not fight fire with fire. You have to...

**Jack Frey:** Well that is why I am here asking you to help resolve a problem that you caused because their vacant lot was zoned residential until you zoned it commercial with this Arts Overlay. So you are saying you do not want to help me...

**Vice President Mosby:** I do not think that is what he is saying. I do not want an argument here please. I would like for you to, if you do not know a contact in the Wheeler Neighborhood Association, call United Neighborhoods of Evansville and they will be glad to let you know what the active neighborhood association is in there. I will be honest with you, I received an email from you and I have responded. I have also spoken with several neighbors that love this. They think it is a great thing for the neighborhood so hopefully...

**Jack Frey:** I can guarantee they don't live right across the street.

**Vice President Mosby:** Excuse me. Hopefully, you can talk with the neighborhood association and maybe you can sit down with the owners and see what can be done. We will be glad to assist in that as well.

**Jack Frey:** All right. All right.

**Councilman McGinn:** I might add too, we spoke a little about that earlier today. Like Councilwoman Brinkerhoff-Riley, I would like to...hopefully there could be a compromise between you and the neighbors and Boca but in order to aide me...maybe I can help or we can help with that. I would ask our Corporate Council...

**Jack Frey:** That is the help I am looking for because at this point, between the Boca and the neighbors, there is no communication.

**Councilman McGinn:** Well I would just ask our attorney, John, could you give all of us kind of an outline of what the noise ordinance is with regard to this? Again, I recognize that in the Arts District, the Overlay, and that type of thing what is there. If it does become an enforcement issue, I know from talking with various policemen, and when the noise ordinance was discussed a couple of years ago, we do not have this legally calibrated, admissible in court decibel reader which is an extremely expensive and very delicate item. I do not know whether anybody can enforce their noise ordinances without that type of equipment.

**Jack Frey:** I have a copy of the Overlay Ordinance right here. If they were anywhere but where they are, they couldn't make any noise that exceeds their boundaries. Because of where they are...

**Councilman McGinn:** You understand we had a (*Inaudible*) balancing act when this Overlay came in there because we all knew that portion of the city and if fact most of us were probably afraid to drive there after sunset. Now we are not. So there are some benefits for the city as a whole and I understand it, especially I am not...

**Jack Frey:** You should not have been afraid to drive down there before. I have been there 35 years and I have never had a problem. You are perceiving issues that were not there and writing off issues that now are there.

**Councilman McGinn:** Maybe not that particular intersection.

**Vice President Mosby:** Do we have any other questions from Council members? Thank you Mr. Frey.

**Jack Frey:** All right. Thanks for nothing.

**Vice President Mosby:** Do we have anyone else in the audience that would like to speak under Miscellaneous Business? Please come forward and state your name and address.

**Phil Hooper:** One correction for the record. The parcel there, and we can double-check this, triple check this, but we have dealt with zoning at that issue before. It was not residential before. It was C4. There are 189 different uses that could take place on that parcel...used tire shop, auto repair facility, used car lot...I mean I shouldn't say all this because we don't want those things to



happen there, but we are confident in the ownership there and it is going in the right direction. But it was commercial and there is really no extent to which the Overlay zone made this noise ordinance any more of an issue. I certainly agree that it is an ordinance worth looking into.

**Councilman Weaver:** I just want to add that they have added five jobs. We all campaigned on the premise of jobs. The fundraisers they have for the Alhambra...so they do a lot of good for the Arts District. I do not think we know anybody more passionate down there than those guys.

**Randy Jones:** My name is Randy Jones. I live at 915 Oak Hill Road. I asked for an ordinance and I apologize, I was not here for the last meeting, the fireworks extension. I appreciate you all giving me that for the veteran's part of the thing. I know there was a little controversy on that but like I said, I was in the La Porte doing an international fireworks show so I couldn't be here but I just want to thank you all for at least listening and passing it. Thank you.

**Vice President Mosby:** Thank you and you are welcome. Would anyone else in the audience like to speak under Miscellaneous Business?

**COMMITTEE REPORTS:**

**A.S.D. COMMITTEE:**

Nothing scheduled at this time.

**CHAIRMAN MISSY MOSBY**

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2012-17

Date: September 10, 2012

Time: 5:00 p.m.

Notify: Ted Ziemer

**CHAIRMAN DAN MCGINN**

Ordinance Amending Chapter 13.05

(Sewers)

**RECONVENE 2013 BUDGET HEARING**

Re: Reconvene 2013 Budget Hearings (DMD Portion)

Date: September 10, 2012

Time: 5:05 p.m.

**FINANCE COMMITTEE:**

Re: Ordinance F-2012-11

Date: September 10, 2012

Time: 5:10 p.m.

Notify: Philip Hooper/Jane Reel, DMD

**CHAIRMAN JOHN FRIEND**

Approving the CDBG & ESG Ordinance

Re: Ordinance F-2012-13

Date: September 10, 2012

Time: 5:15 p.m.

Notify: Russell G. Lloyd

Transfers and Appropriations

Ordinance

Re: Resolution C-2012-18

Date: September 10, 2012

Time: 5:20 p.m.

Notify: Gayl Killough, DMD

Ratifying the Annual Action Plan

**Vice President Mosby:** Also, you had mentioned that we are going to reconvene on the 2013 Budget Hearings on September 10th at 5:05.

**Councilman Friend:** Yes. Russ, we were going to kind of slide that through one of these *(Inaudible)*. What was the deal with that? Can you explain that to us? What you plan to do.

**Russell Lloyd:** Russ Lloyd, Controller. We have to finish the Department of Metropolitan Development and I believe the local income tax. So just reconvene those at 5:05.

**Councilman Friend:** So we are going to start at 5:05 so that is going to be before the F-2012-11 then.

**Russell Lloyd:** Yes and that way we advertise it for September 10<sup>th</sup>.

**Councilman Friend:** Right. So it is going to be sandwiched between Public Works then.

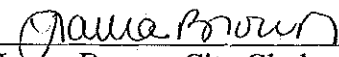
**Russell Lloyd:** Right and that will be the final 2013 Budge Hearing other than the adoption that comes later.

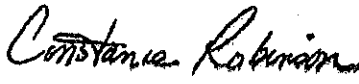
**ADJOURNMENT:**

**Vice President Mosby:** Thank you. Do I have a motion to adjourn?

Councilman McGinn moved and Councilman Friend seconded the motion to adjourn.  
Voice Vote. So Ordered.

Meeting adjourned at 6:30 p.m.

  
\_\_\_\_\_  
Laura Brown, City Clerk

  
\_\_\_\_\_  
Constance Robinson, President

## AGENDA

### ROLL CALL

### PLEDGE OF ALLEGIANCE

### RECOGNITION OF SCHOOLS

### READING AND AMENDMENT OF MINUTES

### REPORTS AND COMMUNICATIONS

### CONSENT AGENDA

### FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-17                      PUBLIC WORKS                      McGINN  
An Ordinance amending Chapter 13.05 (Sewer) of the Evansville Municipal Code

ORDINANCE F-2012-11                      FINANCE                      FRIEND  
An Ordinance of the Common Council of the City of Evansville approving the Annual Community Development Plan and appropriating Community Development Block Grant and Emergency Solutions Grant Program funds

ORDINANCE F-2012-13                      FINANCE                      FRIEND  
An Ordinance the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds.

ORDINANCE C-2012-18                      FINANCE                      FRIEND  
A Resolution of the Common Council of the City of Evansville Ratifying the Significant Amendment to the 2012 Consolidated Housing & Community Development Annual Action Plan

### CONSENT AGENDA

### SECOND READING OF ZONING ORDINANCES

ORDINANCE G-2012-15                      PUBLIC WORKS                      McGINN  
An Ordinance to Vacate certain platted right-of-way being part of a 12' public utility and drainage easement along the common line of Lots 21 & 22 in Eagle Crest Section 2 within the city of Evansville, Indiana Commonly known as 8003 & 8105 Walnut Street

ORDINANCE G-2012-16                      PUBLIC WORKS                      McGINN  
An Ordinance amending Chapter 13.15 (Water) of the Evansville Municipal Code

ORDINANCE F-2012-12                      FINANCE                      FRIEND  
An ordinance of the Common Council of the City of Evansville authorizing transfers, repeals, and re-appropriations, and additional appropriations of funds within a city department.

RESOLUTION C-2012-17                      FINANCE                      FRIEND

A Resolution of the Common Council approving an Interlocal Agreement with Vanderburgh County (Paving at Oak Hill Cemetery)

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-15                      PUBLIC WORKS                      McGINN

An Ordinance to Vacate certain platted right-of-way being part of a 12' public utility and drainage easement along the common line of Lots 21 & 22 in Eagle Crest Section 2 within the city of Evansville, Indiana Commonly known as 8003 & 8105 Walnut Street

ORDINANCE G-2012-16                      PUBLIC WORKS                      McGINN

An Ordinance amending Chapter 13.15 (Water) of the Evansville Municipal Code

ORDINANCE F-2012-12                      FINANCE                      FRIEND

An ordinance of the Common Council of the City of Evansville authorizing transfers, repeals, and re-appropriations, and additional appropriations of funds within a city department.

RESOLUTION C-2012-17                      FINANCE                      FRIEND

A Resolution of the Common Council approving an Interlocal Agreement with Vanderburgh County (Paving at Oak Hill Cemetery)

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, September 3, 2012. The next City Council meeting will be Monday, September 10, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on September 10<sup>th</sup>.

ADJOURNMENT

**CITY COUNCIL  
COMMITTEE MEETING SCHEDULE**

.....  
**August 27, 2012**  
.....

**FINANCE COMMITTEE:**

Re: Resolution C-2012-17  
Date: August 27, 2012  
Time: 5:10 p.m.  
Notify: Ted Ziemer

**CHAIRMAN JOHN FRIEND**

Interlocal Agreement for paving at  
at Oak Hill Cemetery.

Re: Ordinance F-2012-12

Date: August 27, 2012

Time: 5:15 p.m.

Notify: Philip Hooper/Jane Reel, DMD

Authorization of Appropriation and Transfer  
of Funds (DMD)

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2012-15

Date: August 27, 2012

Time: 5:20 p.m.

Notify: Bret Sermersheim – Morley and Associates

**CHAIRMAN DAN McGINN**

Petition to vacate 12' Utility Easement  
8003 & 8105 Walnut Street.

Re: Ordinance G-2012-16

Date: August 27, 2012

Time: 5:25 p.m.

Notify: Ted Ziemer

Amending Chapter 13.15 (Water)

.....  
**September 10, 2012**  
.....

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2012-17

Date: September 10, 2012

Time: 5:00 p.m.

Notify: Russell G. Lloyd, Controller

**CHAIRMAN DAN McGINN**

Ordinance Amending Chapter 13.0 (Sewer)

**FINANCE COMMITTEE:**

Re: Ordinance F-2012-11

Date: September 10, 2012

Time: 5:10 p.m.

Notify: Philip Hooper/Jane Reel, DMD

**CHAIRMAN JOHN FRIEND**

Approving the CDBG, ESG, HOME  
Ordinance.

Re: Ordinance F-2012-13

Date: September 10, 2012

Time: 5:15 p.m.

Notify: Philip Hooper/Jane Reel, DMD

Transfers and Appropriations  
Ordinance

Re: Ordinance C-2012-18

Date: September 10, 2012

Time: 5:20 p.m.

Notify: Gayl Killough, DMD

Ratifying the Annual Action Plan

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

**ROLL CALL**

<u>✓</u> M <sup>c</sup> GINN	<u>✓</u> FRIEND	<u>✓</u> O'DANIEL
<u>✓</u> MOSBY	<u>✓</u> LINDSEY	<u>✓</u> WEAVER
<u>✓</u> BRINKERHOFF-RILEY	<u>✓</u> ADAMS	<u>A</u> ROBINSON

There being 8 members present, 1 members absent, and 8 members representing a quorum, I hereby declare this session of Common Council officially opened.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance will be led by John Hamilton.

Fellow Councilmen and those in the audience, welcome to the August 27, 2012 meeting of the Common Council.

**RECOGNITION OF SCHOOLS**

Are there any students in the audience who would like to be recognized?

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

**COUNCIL ATTORNEY**

This evening John Hamilton is City Council Attorney.

**SERGEANT AT ARMS**

This evening Officer Hastings is our Sergeant at Arms.

**READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING**

Is there a motion to approve the minutes of the August 13, 2012 meeting of the Common Council as written?

Councilman Friend moved and Councilman Lindsey seconded the motion that the minutes of the regular meeting of the Common Council held August 13, 2012 be approved as written. Voice vote. ✓ So ordered. ✓

**REPORTS AND COMMUNICATIONS**

**IN YOUR AUGUST 24<sup>th</sup> PACKET:**

- \*City Council Agenda for the August 27th, 2012 City Council meeting.
- \*Committee Meeting Schedule.
- \*City Council Meeting Minutes from August 13, 2012.
- \*Ordinances G-2012-17, F-2012-11, F-2012-13, and C-2012-18
- \*Return Receipts and Vacation Studies for Ordinance G-2012-15
- \*Water & Sewer Utility Easement Report for Ordinance G-2012-15

**ON YOUR DESK THIS EVENING:**

- \*Evansville Redevelopment Commission Meeting Minutes dated August 7, 2012.
- \*American City & County Magazine.

Councilman Andrew moved and Councilman O'Daniel  
seconded the motion to receive, file and make these reports and communications a part of  
the minutes of the meeting. Voice vote. ✓ So ordered. ✓

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-17**

**PUBLIC WORKS**

**McGINN**

An Ordinance amending Chapter 13.05 (Sewer) of the Evansville Municipal Code

**ORDINANCE F-2012-11**

**FINANCE**

**FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Annual Community Development Plan and appropriating Community Development Block Grant and Emergency Solutions Grant Program funds

**ORDINANCE F-2012-13**

**FINANCE**

**FRIEND**

An Ordinance the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds.

**ORDINANCE C-2012-18**

**FINANCE**

**FRIEND**

A Resolution of the Common Council of the City of Evansville Ratifying the Significant Amendment to the 2012 Consolidated Housing & Community Development Annual Action Plan

Is there a motion to adopt the Consent Agenda, First Reading as written?

Councilman Friend moved and Councilman Weaver seconded the

Motion to adopt the Consent Agenda First Reading as written. Voice vote. So ordered.



**CONSENT AGENDA**

**SECOND READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-15 *amended* PUBLIC WORKS McGINN**

An Ordinance to Vacate certain platted right-of-way being part of a 12' public utility and drainage easement along the common line of Lots 21 & 22 in Eagle Crest Section 2 within the city of Evansville, Indiana Commonly known as 8003 & 8105 Walnut Street

**ORDINANCE G-2012-16 PUBLIC WORKS McGINN**

An Ordinance amending Chapter 13.15 (Water) of the Evansville Municipal Code

**ORDINANCE F-2012-12 FINANCE FRIEND**

An ordinance of the Common Council of the City of Evansville authorizing transfers, repeals, and re-appropriations, and additional appropriations of funds within a city department.

**RESOLUTION C-2012-17 FINANCE FRIEND**

A Resolution of the Common Council approving an Interlocal Agreement with Vanderburgh County (Paving at Oak Hill Cemetery)

**COMMITTEE REPORTS:**

**PUBLIC WORKS COMMITTEE:**

**CHAIRMAN McGINN**

**Councilman McGinn:** Madam President, your Public Works Committee met earlier this evening to hear Ordinance G-2012-15 as amended and G-2012-16 and both come forward with a (do pass/do not pass) recommendation. *7-1*

**Councilman Friend:** Madam President, your Finance Committee met this evening to hear Ordinances F-2012-12 and C-2012-17 and both come forward with a (do pass/do not pass) recommendation.

Councilman *Wagner* moved and Councilman *Adams* seconded the motion to adopt the Committee Reports and move these Ordinances and Resolutions to Third Reading.  
Voice vote. ☒ So ordered. ☒

**CONSENT AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-15 as amended      PUBLIC WORKS      McGINN**

An Ordinance to Vacate certain platted right-of-way being part of a 12' public utility and drainage easement along the common line of Lots 21 & 22 in Eagle Crest Section 2 within the city of Evansville, Indiana Commonly known as 8003 & 8105 Walnut Street

Is there a motion to adopt Ordinance G-2012-15 as amended and call the roll?

Councilman O'Daniel moved and Councilman Friend seconded the motion to adopt Ordinance G-2012-15 as amended and call the roll.

**ROLL CALL**

<u>✓</u> McGINN	<u>✓</u> FRIEND	<u>✓</u> O'DANIEL
<u>✓</u> MOSBY	<u>✓</u> LINDSEY	<u>✓</u> WEAVER
<u>✓</u> BRINKERHOFF-RILEY	<u>✓</u> ADAMS	<u>ABSENT</u> ROBINSON

There being 8 Ayes and 0 Nays, Ordinance G-2012-15 as amended is hereby declared ADOPTED/DENIED.

**CONSENT AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-16**

**PUBLIC WORKS**

**McGINN**

An Ordinance amending Chapter 13.15 (Water) of the Evansville Municipal Code

Is there a motion to adopt Ordinance G-2012-16 and call the roll?

Councilman O'Daniel moved and Councilman Adams seconded the motion to adopt Ordinance G-2012-16 and call the roll.

**ROLL CALL**

✓ McGINN

✓ FRIEND

✓ O'DANIEL

✓ MOSBY

NO LINDSEY

✓ WEAVER

✓ BRINKERHOFF-RILEY

✓ ADAMS

ABSENT ROBINSON

There being 7 Ayes and 1 Nays, Ordinance G-2012-16 is hereby declared ADOPTED ~~DENIED~~.

**CONSENT AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE F-2012-12**

**FINANCE**

**FRIEND**

An ordinance of the Common Council of the City of Evansville authorizing transfers, repeals, and re-appropriations, and additional appropriations of funds within a city department.

Is there a motion to adopt Ordinance F-2012-12 call the roll?

Councilman Friend moved and Councilman Riley seconded the motion to adopt Ordinance F-2012-12 and call the roll.

**ROLL CALL**

✓ M<sup>c</sup>GINN

✓ FRIEND

✓ O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

✓ BRINKERHOFF-RILEY

✓ ADAMS

    ROBINSON ABSENT

There being 8 Ayes and 0 Nays, Ordinance F-2012-12 is hereby declared ADOPTED/DENIED.

**CONSENT AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-17**

**FINANCE**

**FRIEND**

A Resolution of the Common Council approving an Interlocal Agreement with Vanderburgh County (Paving at Oak Hill Cemetery)

Is there a motion to adopt Ordinance C-2012-17 and call the roll?

Councilman Riley moved and Councilman Friend seconded the motion to adopt Ordinance C-2012-17 and call the roll.

**ROLL CALL**

☒ M<sup>c</sup>GINN

☒ FRIEND

☒ O'DANIEL

☒ MOSBY

☒ LINDSEY

☒ WEAVER

☒ BRINKERHOFF-RILEY

☒ ADAMS

☐ ROBINSON ABSENT

There being 8 Ayes and 0 Nays, Ordinance C-2012-17 is hereby declared ADOPTED/DENIED.

**MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting next Monday, September 3rd, 2012. The next City Council meeting will be Monday, September 10th, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on September 10th.

Friend	O'Daniel
Mosley	Fry
Jack Fry	O'Daniel
Weaver	Fry
Fry	O'Daniel
Weaver	Fry
Fry	Mosley
Weaver	Fry
Fry	Mosley
Weaver	Fry
Fry	Mosley
Weaver	Fry
Fry	McKinn
Weaver	Fry
Fry	McKinn
Weaver	Fry
Fry	McKinn
Weaver	Fry
Riley	McKinn
Fry	Fry
O'Daniel	Mosley
Fry	Fry
O'Daniel	Phil Hooper
Fry	Weaver
O'Daniel	Randy Jones
Fry	Mosley
O'Daniel	
Fry	

**COMMITTEE REPORTS:**

**A.S.D. COMMITTEE:**

Nothing scheduled at this time.

**CHAIRMAN MISSY MOSBY**

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2012-17

Date: September 10, 2012

Time: 5:00 p.m.

Notify: Ted Ziemer

**CHAIRMAN DAN McGINN**

Ordinance Amending Chapter 13.05  
(Sewers)

**FINANCE COMMITTEE:**

Re: Reconvene 2013 Budget Hearings

Date: September 10, 2012

Time: 5:05 p.m.

Notify: Philip Hooper/Jane Reel, DMD

**CHAIRMAN JOHN FRIEND**

(DMD Portion)

Re: Ordinance F-2012-11

Date: September 10, 2012

Time: 5:10 p.m.

Notify: Philip Hooper/Jane Reel, DMD

Approving the CDBG & ESG Ordinance

Re: Ordinance F-2012-13

Date: September 10, 2012

Time: 5:15 p.m.

Notify: Philip Hooper/Jane Reel, DMD

Transfers and Appropriations  
Ordinance

Re: Ordinance C-2012-18

Date: September 10, 2012

Time: 5:20 p.m.

Notify: Gayl Killough, DMD

Ratifying the Annual Action Plan

*Gayl Killough 5:05*

**ADJOURNMENT**

Councilman McGinn

moved and Councilman

~~Friend~~ Friend

seconded the motion to adjourn. Voice Vote. ✓ So Ordered. ✓

Meeting adjourned at 6:30 p.m.